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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010151982024**

\+ RFA 204/2024, CM APPL. 17431/2024 & CM APPL. 17432/2024

USHA HURIA .....Appellant

Through: Ms. Yashmeet Kaur and Mr. Hitesh Wadhwa, Advs.

versus

HARISH KUMAR .....Respondent

Through: Appearance not given.

CORAM:
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% 28.10.2026

1. This hearing has been conducted through hybrid mode.

CM APPL. 73975/2026 (u/o xxiii r/3 of cpc o/b resp) and RFA 204/2024

2. The present application has been filed by the parties under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908, praying that the suit of the appellant/plaintiff be decreed in terms of the Settlement Agreement dated 29th September, 2026, placed on record as *Annexure-"1"*.

3. Both the parties have appeared in person and have admitted the aforesaid Settlement Agreement.

4. In pursuance of the Settlement Agreement, learned counsel for the appellant submitted that the appellant has received the cheque for the amount as mentioned in paragraph "2" of the Settlement Agreement from the respondent.

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5. It is submitted on behalf of the learned counsel for the parties, that in pursuance of the Settlement Agreement, the appeal be disposed of by passing a decree in favour of the appellant for recovery of a sum of Rs. 10,17,000/- (the cheque amount) from the respondent. It is further submitted that, in case the cheque is encashed, the appellant shall not proceed with any proceedings in respect of that cheque. However, if the cheque is dishonoured, the respondent shall pay the amount along with interest, as mentioned in paragraph "4" of the Settlement Agreement dated 29th September, 2026.

6. Accordingly, the impugned judgment and decree dated 09th February, 2024, are set aside and the suit is decreed as per the submissions made in aforesaid paragraph "5". The decree sheet be prepared accordingly. The appeal, along with pending applications, stand disposed of, accordingly.

RAJNEESH KUMAR GUPTA, J

OCTOBER 28, 2026/*sds/abk*

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